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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,775	12/20/2001	Ryo Watanabe	217399US8	6948

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EXAMINER

LEE, PHILIP C

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/022,775	Applicant(s) WATANABE, RYO	
	Examiner Philip C. Lee	Art Unit 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-21 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7, 10-12, 15-17, 20 and 21 is/are rejected.
- 7) ☐ Claim(s) 8-9, 13-14 and 18-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. This action is responsive to the amendment and remarks filed on October 28, 2005.
2. Claims 7-21 are presented for examination and claims 1-6 are canceled
3. Claims 8-9, 13-14 and 18-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
4. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

Claim Rejections – 35 USC 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2154

6. Claims 7, 12 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murthy et al, U. S. Patent 5,610,905 (hereinafter Murthy) in view of Applicant Admitted Prior Art (hereinafter AAPA).

7. Murthy was cited in the last office action.

8. As per claims 7, 12 and 17, Murthy taught the invention substantially as claimed comprising a plurality of ports each connected to same or different types of network segments and each port connected to other of the plurality of ports through a forwarding unit that forwards a packet received from one port to another port (col. 1, lines 11-24),

wherein the plurality of ports including:

at least one monitored port whose traffic is to be monitored (col. 4, lines 63-65);

at least one monitoring port that monitors the traffic of the monitored port with a monitoring device that is connected to a network segment of the monitoring port (9 and 10, fig. 1; col. 4, lines 51-53); and

at least one non-monitored port whose traffic is not monitored (fig. 1; col. 4, lines 51-65),

wherein the plurality of port including:

an input unit that receives a packet from a corresponding network segment (col. 9, lines 30-31);

an address resolution processing unit that determines a destination port of a received packet based on information in the packet (col. 7, lines 1-15), sends information

indicative of the destination port (col. 22, lines 48-51) and a monitoring port to the forwarding unit (col. 22, line 48-col. 23, line 6), appends control information to the received packet (col. 9, lines 39-51) indicative of whether the received packet is required to be transformed before outputting from the destination port and the monitoring port (col. 22, lines 25-32), appends transformation information to the received packet that is used to transform the received packet before outputting from the destination port and the monitoring port (col. 9, lines 39-51), and sends information appended packet to the forwarding unit via the input unit (col. 18, lines 23-26, 37-39); and

an output unit that receives an information appended packet from the forwarding unit, transforms the received packet based on the control information and the transformation information included in the received packet (col. 9, lines 30-53; col. 22, lines 25-32, 41-51), and outputs transformed packet to the network segment connected to the port (col. 2, lines 33-39; col. 8, lines 23-25; col. 9, lines 28-33), and

wherein the forwarding unit forwards a packet received from a port to at least the destination port and the monitoring port (col. 2, lines 36-39).

9. Murthy did not teach wherein each port including an address resolution processing unit. AAPA taught an address resolution processing logic for determining an output port is provided for each input section of each port (page 1, line 25-page 2, line 2).

10. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teaching of Murthy and AAPA because AAPA's teaching of

including an address resolution processing for each port would increase the efficiency of Murthy's system by allowing packet to be forwarded to the destination port based on the address provided by the address resolution processing logic.

11. As per claims 11, 16 and 21, Murthy and AAPA taught the invention substantially as claimed in claims 7, 11 and 17 above. Murthy further taught wherein the transformation information includes information to be performing routing processing of the received packet (col. 9, lines 39-51).

12. Claims 10, 15 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murthy and AAPA in view of Jennings et al, U. S. Patent 6,425,015 (hereinafter Jennings).

13. Jennings was cited in the last office action.

14. As per claims 10, 15 and 20, Murthy and AAPA taught the invention substantially as claimed in claims 7, 12 and 17 above. Although, Murthy taught transforming a received packet, however, Murthy and AAPA did not specifically teach includes a flag that is set on when the received packet is required to be transformed. Jennings taught wherein control information includes a flag that is set on when the received packet is required to perform an action before outputting and that is set off when the received packet is not required to perform an action (col. 4, lines 17-21).

Art Unit: 2154

15. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teaching of Murthy, AAPA and Jennings because Jennings's teaching of control information includes a flag that is set on when the received packet is required to perform an action would avoid increasing the traffic volume by allowing additional control information to be sent along with each packet.

16. Applicant's arguments with respect to claims 7-21, filed 10/28/05, have been fully considered and are moot in view of new grounds of rejection.

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Lee whose telephone number is (571) 272-3967. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

 **JOHN FOLLANSBEE**
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100